

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.474 OF 2007
IN
WRIT PETITION NO.6828 OF 2005

The Maharashtra State Co-op. Bank Ltd..Petitioner

Versus

Assistant Provident Fund
Commissioner & Recovery
Officer, Employees Provident
Fund Organisation & Anr.

..Respondent

And

Shri Hanuman Surajmal Zanwar
Proprietor of M/s.Ankit Traders

..Applicant

Mr. Devasis Mitra i/b.Kishore Nemade for the Applicant.
Mr. Prashant Naik, for Petitioner.
Mr. Suresh Kumar for Respondent No.1.
Mr. Amit Sale for Respondent No.2.

**CORAM : F.I. REBELLO &
R.M.SAWANT, JJ.
DATED : 6TH MARCH, 2007.**

P.C.

. The Applicant was a successful bidder at an auction conducted by respondent Nos. 1 and 2. In terms of the said bid the entire caution money had to be paid within 20 days from 16th January, 2007. The case of the respondents is that the amount has not been paid and consequently they have forfeited the earnest money. The Applicant has approached this Court for relief in terms of this Court's order dated 1st December, 2006. That order was on an application by Respondent No.1. The Court granted time with a direction that the tender process should be completed within three months.

2. What the Applicant today contends before this Court

is an entirely independent cause of action, unconnected with the order of this Court dated 1st December, 2006. If the Applicant is aggrieved he can file a substantive petition. That will be considered independently.

. In the light of that Civil Application disposed of. We make it clear that we have not decided the case of the Applicant on merits.

(F.I.REBELLO, J)

(R.M.SAWANT,J.)